

By WEBER.]

[SENATE FILE No. 165.—JUDICIARY.]

## A BILL

FOR AN ACT TO COMPEL NOTICE OF PENDANCY OF AN ACTION RELATING  
TO REAL PROPERTY.

*Be it enacted by the General Assembly of the State of Iowa :*

SECTION 1. In all action brought to recover a judgment affecting the title to, or the pos-  
2 session, use, or enjoyment of, real property, the plaintiff shall when he files his petition, file  
3 in the clerk's office of each county, where the property is situated, a notice of the pendancy  
4 of the action, stating the names of the parties to the suit, the court in which the action is  
5 brought, and the object of the action, and containing a brief description of the property in  
6 that county affected thereby. Said notice shall be made and kept in a book, called notice  
7 book, provided by the clerk of the courts, and be a part of the record books of the court.

SEC. 2. Where the defendant sets up in his answer a counter-claim, upon which he de-  
2 mands an affirmative judgment affecting the title to, use, or enjoyment of real property, he  
3 shall at the time of filing his answer file a like notice.

SEC. 3. Where notice of the pendancy of an action is filed as prescribed in the last two  
2 sections, the pendancy of the action is constructive notice, from the time of so filing the  
3 notice only, to a purchaser or encumbrancer of the property affected thereby, from or  
4 against a defendant, with respect to whom the notice is directed. A person, whose convey-  
5 ance or incumbrance is subsequently executed or recorded, is bound by all the proceedings  
6 taken in the action, after the filing of the notice, to the same extent as if he was a party to  
7 the action.

SEC. 4. After the action is settled, discontinued, or final judgment is rendered therein  
2 against the party filing the notice, and the time to appeal therefrom has expired, or if the  
3 plaintiff or defendant filing the notice unreasonably neglects to proceed in the action, the  
4 court may in its discretion, upon the application of any person aggrieved, and upon such  
5 notice as may be directed by the court, direct that a notice of the pendancy of the action  
6 or counter-claim filed as prescribed be cancelled of record. The cancellation must be made  
7 by a note to that effect on the margin of the record, referring to the court order and record.  
8 Unless the order is entered in the same clerk's office, a certified copy of the same must be  
9 filed therein before notice is cancelled.